

Written testimony of Peter Psarouthakis
Legislative Chairman, Immediate Past President of the
Michigan Council of Private Investigators;
Chairman, Executive Committee for Investigative & Security Professionals for
Legislative Action; and
Legislative Chairman, National Association of Legal Investigators

Michigan House of Representatives, Judiciary Committee
State Representative Mark Meadows, Chairman

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Chairman Meadows, members of Committee, thank you for the opportunity to offer testimony on public defense reform in Michigan, a critical issue that affects every family and every taxpayer in the state of Michigan, and the legislation you are considering.

My name is Peter Psarouthakis and I am the Legislative Chairman and the Immediate Past President of the Michigan Council of Private Investigators. I am also Chairman of the Executive Committee for Investigative & Security Professionals for Legislative Action and Legislative Chairman for the National Association of Legal Investigators. Our organization represents the interests of every licensed professional investigator in the state of Michigan, many of whom perform criminal defense investigation for attorneys. I offer this testimony in that capacity, but more than that, I offer it as a professional investigator with years of personal experience, and as someone who has seen, first hand, the way Michigan's broken system has often failed to provide the adequate criminal defense guaranteed by our Constitution.

Our state currently has no uniform system to ensure that defendants receive the rights promised under the Sixth Amendment. Instead, each of our state's 83 counties are left to devise their own methods for protecting this right. According to a recent report by the National Legal Aid and Defender Association, too often efforts are falling short of Michigan's constitutional obligations.

The sad truth is that for professional investigators across Michigan, this isn't news. We see the inadequate public defense and its consequences as a part of a normal day on the job.

Every defendant is guaranteed due process under the law. Public defenders often do laudable work, but this is more than a question of effort and intentions, this is a question about finding the right tool for the right job. Defense attorneys are not investigators and due process requires proper investigation.

Many investigators perform critical pro bono work but, simply put, that is not a sustainable model. State government hires prosecutors and police officers to do

investigations. Meanwhile, defendants, especially those without means, are left to fend for themselves.

We are not naïve. We understand that the prisons are not filled with innocent men and women. Conversely, even one false conviction is too many and the costs associated with appeals, lawsuits and the incarceration of individuals on charges perhaps more severe than additional investigation would reveal necessary cost Michigan taxpayers millions of dollars every year.

It is not uncommon that additional time and money spent to provide an adequate defense could make the difference between false conviction and acquittal and, perhaps more often, mitigate the severity and number of charges a defendant faces.

The State of Michigan estimates that hundreds of millions of dollars are wasted every year housing inmates who would otherwise have the potential to be contributing members of society outside of prison walls, if only our public defense system were adequate.

Reforming Michigan's public defense system will enable both defense attorneys and professional investigators to do the critical and fundamental work they are trained to do. Doing so, we would not only realize the potential for taxpayer savings but justice would be better served. That is a goal that individuals on both sides of our adversarial system readily embrace.

As you and your colleagues take the time now to consider reform legislation, let me leave with our hope that you work toward establishing a system for public defense in Michigan that is supported by statewide funding and administration and based on nationally recognized standards. This is the formula Michigan needs to address this crucial problem.

Thank you again for the opportunity to discuss these issues with the committee and for your willingness to discuss this important constitutional issue.

Peter Psarouthakis
Licensed Professional Investigator